

# Justice for Magdalenes

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## State involvement in the Magdalene Laundries

### A Summary of JFM's submissions to the Inter-departmental Committee to establish the facts of State involvement with the Magdalene Laundries

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Justice for Magdalenes (JFM) is a non-profit, all-volunteer organisation which seeks to respectfully promote equality and advocate for justice and support for the women formerly incarcerated in Ireland's Magdalene Laundries. Many of JFM's members are women who were in Magdalene Laundries, and its core coordinating committee, which has been working on this issue in an advocacy capacity for over twelve years, includes several daughters of women who were in Magdalene Laundries, some of whom are also adoption rights activists. JFM also has a very active advisory committee, comprised of academics, legal scholars, politicians, and survivors of child abuse.

1. The Irish State has accepted that there was abuse in the Magdalene Laundries. The abuse is documented in the report published in 2009 by the Commission established by the State to inquire into child abuse (“the Ryan Report”) – and the abuse is also fully borne out by the survivor testimonies which JFM has collected. Both the Ryan Report and the testimonies recount that the women’s labour in the Magdalene Laundries was forced and wholly unpaid, working conditions were harsh and the women were completely deprived of their liberty and suffered both physical and emotional abuse.
2. However, the State has not yet accepted responsibility for that abuse and nor has it offered any apology or redress to the survivors. The State has repeatedly denied responsibility for the treatment of women and girls in the Magdalene Laundries, distinguishing between the treatment of children in residential homes which were the responsibility of the State (the “Industrial and Reformatory Schools”) and those incarcerated in the Magdalene Laundries, which the State characterizes as private and charitable institutions in which it played no regulatory function.
3. Nevertheless, JFM has obtained clear evidence of State involvement in the operation of the Magdalene Laundries in three broad respects:
  - (1) The State was involved in sending women and girls to the Magdalene Laundries and ensuring that they remained there. The State regarded the Magdalene Laundries as an opportunity to deal with various social problems (e.g. illegitimacy, poverty, disability, so-called licentious behaviour, domestic and sexual abuse, youth crime, infanticide). It repeatedly sought to funnel diverse populations of women and girls to the Magdalene Laundries and in return the Religious Orders obtained an entirely unpaid and literally captive workforce for their commercial laundry enterprises.
  - (2) The State also provided the Religious Orders with direct and indirect financial support – direct financial support from “capitation” (per head) grants for certain of the women and girls incarcerated in the Magdalene Laundries and indirect financial support in terms of valuable State contracts for cleaning laundry, as well as one-off non-contract commercial laundry work for various Irish Government departments and agencies and also State

capitation grants for other aspects of the relevant convents' operations (e.g. Industrial Schools).

(3) The State entirely failed to supervise the Religious Orders' operation of the Magdalene Laundries. It allowed women and girls to be incarcerated without any lawful authority and allowed them to be forced to work in servitude for no pay. It failed to enforce its own health and safety legislation, thereby allowing women and girls to work in dangerous working conditions. It failed to require girls of school-going age to be educated. It failed to ensure that social security contributions were paid in respect of women and girls in the Laundries and it failed to ensure that any woman or girl who died was issued with a death certificate.

#### **State Involvement in Women and Girls entering the Magdalene Laundries and being kept there**

4. Initially, the State denied outright that it had any responsibility at all for women and girls being sent to or kept within the Magdalene Laundries. On 4<sup>th</sup> September 2009, the Minister for Education and Science (Mr O'Keefe TD) stated that "*The Magdalen Laundries were privately owned and operated establishments which did not come within the responsibility of the State. The State did not refer individuals to Magdalen Laundries nor was it complicit in referring individuals to them*".
5. However, JFM has managed to find direct evidence that a number of State agencies referred women and girls to the Magdalene Laundries.

#### **(a) *Women sent by the Judicial System***

6. The State's judicial system routinely referred women to the Magdalene Laundries from independence in 1922 until at least 1983. JFM has found evidence in the National Archives that 54 women found guilty of a crime were referred to a Catholic Magdalene Laundry – and a further 30 were referred to other religious run institutions. This practice was not a "one-off" or "local" deviation from sending women and girls to State prisons, but took place in almost every year following independence and in every part of Ireland.

7. The official “committal orders” by which the courts directed that the women in question be sent to the Magdalene Laundries stipulated that the women should be escorted by the State’s probation officers from the courts to the Magdalene Laundries. Furthermore, the correspondence between the religious orders and the courts shows that the nuns actively sought these committals and that they intended to do their utmost to keep the women at the Magdalene Laundries even after their sentences had elapsed. For example, a letter from the Superioress of the Sisters of Charity’s Cork Laundry wrote on 2<sup>nd</sup> December 1934 to the court that the Magdalene Laundry was prepared to take a woman convicted of the manslaughter of her newly born child for a year and “*we will do our best to keep her in safety even after her time has expired*”.
8. The State’s reaction to this evidence is set out in a letter dated 27<sup>th</sup> May 2010 from the then Minister of Justice, Equality and Law Reform (Mr Ahern TD), where he accepted that “*A small proportion of entrants to Magdalen Laundries came through the criminal justice system*”, whilst asserting that “*The majority of females who entered or were placed in Magdalen Laundries in the period did so without any direct involvement of the State*”.
9. JFM has seen no evidence which would support an assertion that “the majority” of women and girls entered the Magdalene Laundries without State involvement. If the State has access to accurate records which would support that assertion, it should produce them publically and forward them to this Committee.
10. Certainly the evidence JFM has subsequently found does not support such an assertion. It has found evidence from old newspaper articles that a further 32 women and girls were given a choice between being sent to Prison or being sent to Magdalene Laundries in Dublin, Cork, Limerick, Waterford and Galway between 1926 and 1983 as punishment for various criminal offences. For example, in 1936 a 17 year old female servant, Annie Cahill, pleaded guilty to setting fire to the hayshed of her employer. She was sent to the Good Shepherd Laundry in Limerick for a year. At the end of a year, the State Solicitor asked the court whether it would “*direct her to leave the Convent if she wished*”, albeit that “*The Rev. Mother was*

*willing to keep her on in the Convent*". The judge declined to make any order: *"I don't think she ought to leave."*

11. JFM has found further evidence in the State's archives that in March 1944 there were 27 women held "on probation" (i.e., as a condition of not being sent to Prison) in convents, including six Magdalene Laundries in Dublin, Dun Laoghaire, Cork and Limerick. It is clear from the evidence that the practice was neither "local" nor temporary.
12. The reality is that incarceration in the Magdalene Laundries was very similar to being sent to prison. The survivors clearly express this view - one recalls *"I felt as if I was being sentenced to a prison. Indeed, at a certain level I was a prisoner"*. Another says *"Definitely it was a prison ... You get paid in a prison, But this was a prison. There was no doubt about it, it was a prison"*. A third says simply *"These were prisons"*. The State had resisted calls to establish a prison for young girls similar to the "Borstal" type institutions for young boys. The availability of the Magdalene Laundries operated by the Catholic religious orders enabled the State's judiciary to use them as an alternative to imposing a prison sentence.
13. Furthermore, the Magdalene Laundries were regarded by Irish society as equivalent to prison. In a debate in *Seanad Éireann* (the Upper House of the Irish Parliament) in 1960, Senator Connolly O'Brien indicated that a girl who had been sent to the Laundries would suffer a lifelong stigma and *"If I were asked to advise girl delinquents, no matter what offences they were charged with, whether to go to prison on remand, or to go to St Mary Magdalen's Asylum on remand, I would advise them wholeheartedly to choose prison, because I think having a record of being in prison as a juvenile delinquent would not be so detrimental to the after life of the girl as to have it legally recorded that she was an inmate of St Mary Magdalen's Asylum"*. JFM also holds evidence dating back to the 1920s that a "magistrate of very wide experience" commented that *"... in many instances offenders have expressed to me in Court a desire to go, in some cases they have begged to be sent, to prison rather than a Home"*
14. The Magdalene Laundries were also used by the State as an alternative to prison in a number of other ways. They were used to hold young women in pre-trial

detention (“on remand”). Following the enactment of the Criminal Justice Act 1960, the then Minister for Justice approved one Magdalene Laundry in Dublin (at Sean McDermott Street) for use as a remand institution for women and girls aged between 16 and 21. In 1969, there were 21 women on remand at Sean McDermott Street.

15. Other women were sent to the Magdalene Laundries after release from long sentences in the State’s prisons. A list of women released from “life sentences” (usually imposed for murder) mentions two women who were released in 1942 after serving 17 and 18 years of their sentences. It states that “*These women were not considered quite normal. They were kept in prison for such a long period as no person could be found to look after them on release. The Good Shepherd Nuns finally agreed to take them*”. From other research carried out by JFM, it would appear that one of the women in question died in one of the Cork Magdalene Laundries in 1963, having served a further 21 years of confinement beyond her State sentence.
16. A further group of girls and young women were committed to the Laundries, when they should have been sent to the Reformatory Schools. The 1970 Reformatory and Industrial Schools Systems Report (the Kennedy Report) stated that “*at least 70 girls between the ages of 13 and 19 years*” were confined in the Laundries when they “*should properly be dealt with under the Reformatory Schools system.*”. It is also clear from the same Report that young women and girls remained in the Magdalene Laundries long past the periods for which they could have been held had they been lawfully detained in prison or the Reformatory Schools: “*This method of voluntary arrangement for placement can be criticised on a number of grounds. It is a haphazard system, its legal validity is doubtful and the girls admitted in this irregular way and not being aware of their rights, may remain for long periods and become, in the process, unfit for re-emergence into society. In the past, many girls have been taken into these convents and remained there all their lives.*”

**(b) *Transfers from Industrial Schools***

17. Until the 1970's, orphaned, neglected or abandoned children, as well as children failing to attend school and those guilty of criminal offences, were sent to "Industrial Schools", which were run by the religious orders, but were regulated by the State and State-funded.
18. In 2009, the Ryan Report concluded that physical and emotional abuse and neglect were features of the Industrial Schools and sexual abuse occurred in many of them. The system of inspection by the Department of Education was fundamentally flawed and incapable of being effective. Even before the publication of that Report, the State had agreed to pay compensation to the survivors of the Industrial Schools pursuant to a compensation scheme established under the Residential Institutions Redress Act 2002. Importantly, the State apologised to the survivors of the Industrial Schools in May 1999 before carrying out the relevant enquiry and before establishing the redress scheme. The then Taoiseach Mr Bertie Ahern TD said "*On behalf of the State and of all citizens of the State, the Government wishes to make a sincere and long overdue apology to the victims of childhood abuse for our collective failure to intervene, to detect their pain, to come to their rescue.*" This prompt apology enabled survivors to come forward and take a full part in the enquiry.
19. Survivor testimony suggests that members of religious orders often transferred girls directly from Industrial Schools to the Laundries. Indeed, the Ryan Report acknowledges this practice in Volume 3, Chapter 18 entitled "Residential Laundries, Novitiates, Hostels and Other Out of Home Settings", in which it stated that "*Three female witnesses said they were transferred to residential laundries from Industrial Schools following confrontations with religious staff whom they challenged about abuse of themselves or of their co-residents. Another female witness stated that she was transferred to a laundry at 13 years to work. She stated that she was told by the Sister in charge that she was being sent to work in order to compensate the Order as her mother had been unable to meet the required payments for her keep in the Industrial School.*"

20. Although the 2002 Act provided for redress where a person suffered abuse in a Laundry having been transferred there from a State regulated institution, none of the survivors of both the Industrial Schools and the Magdalene Laundries with whom JFM is in contact had their time in the Laundries taken into account by the Residential Institutions Redress Board when calculating their redress. Survivors were strongly discouraged from speaking about their experience in the Laundries as part of the RIRB and/or the CICA Confidential Committee process. As one of the survivors who brought a claim before the Board recalls *“It was clear that it was only from the Industrial Schools”*.

**(c) *Transfers from Mother and Baby Homes***

21. Between the 1920s and 1970s, the religious orders ran Mother and Baby Homes for unmarried mothers. These institutions were both State- and Local Government-funded and State regulated and inspected. The operation of these homes formed part of a deliberate State policy, differentiating between State assistance for the poor, aged and infirm on the one hand and unmarried mothers on the other. As the historian, Professor Dr Maria Luddy<sup>1</sup> has stated the former groups were looked after in the “County Homes”, which were funded by the State and Local Authorities: *“The government and local authorities wished County Homes to be the refuge of the “respectable poor”. The presence of unmarried mothers in these institutions was felt to be an embarrassment and to reduce the willingness of the “respectable poor” to enter such institutions”*.
22. Within one year of the State’s founding, The Local Government (Temporary Provisions) Act, 1923, Schedule A, provided a statutory basis for using the Galway Magdalen Laundry to confine women seeking public assistance for a second or subsequent pregnancy outside of marriage. It states:

*4. Unmarried Mothers are divided into two classes:—*

*(a) First offenders, to be dealt with in the same institution as children.*

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<sup>1</sup> In her article “Unmarried Mothers in Ireland 1880-1973” in *Women’s History Review* Vol 20, No 1, February 2011, pp 109-126. See also James M. Smith’s book, *Ireland’s Magdalen Laundries and the Nation’s Architecture of Containment* (Manchester University Press, 2007) at pages 48-54. Professor Smith is a member of JFM’s Advisory Board.



*(b) Old offenders to be sent to Magdalen Asylum.*

*Unmarried Mothers who come within Class (b) shall be offered an opportunity of relief and retrieval in the Magdalen Asylum, Galway, upon such terms and conditions as may be agreed on between the Executive Committee and the Sisters in Charge of the Magdalen Asylum. If necessary the Committee may make arrangements with other Institutions.*

*Persons in Class (b) who refuse to enter such Institutions as may be selected shall not be allowed, under any circumstances to become chargeable to the public rates.*

23. By 1928, the Commission on the Relief of the Sick and the Destitute Poor was recommending a similar policy nation-wide: that women who had given birth outside marriage once should be detained in the Mother and Baby Homes “*for a period not exceeding one year*” and mandatory incarceration in the Laundries for women applying for maternity assistance a second time -“*there should be power to detain for a period of two years*”. Where a woman had sought assistance on three or more occasions, the Board of Health should have the power to “*retain for such period as they think fit, having considered the recommendation of the Superior or Matron of the Home*”. Professor Luddy has commented that “*Such a stance, though not intended to be penal, allowed for the development of an attitude that accepted detention as a means of protecting society from these reoffending women ... These were women whose sexuality had to be managed and contained. What appears to have happened is that some of these ‘repeat offenders’ found themselves admitted to Magdalen asylums which proved difficult to leave.*”
24. The Department of Local Government and Public Health Annual Report 1932-33 underscores that the Commission’s recommendations were already adopted as official policy. It details the State’s reliance on the Laundries to confine women who gave birth to more than one child outside of marriage. It states, “*With regard to the more intractable problem presented by unmarried mothers of more than one child, the Sisters-in-Charge of the Magdalene Asylums in Dublin and elsewhere throughout the country are willing to co-operate with the local authorities by admitting them into their institutions. Many of these women appear to be feeble-*

*mind and need supervision and guardianship. The Magdalene Asylum offers the only special provision at present for this class."*

25. JFM has evidence both from the Department of Health Archives and from a contemporaneous account from Halliday Sutherland in his book *Irish Journey* that in 1958, one of the mother and baby homes – The Children’s Home in Tuam, Co Galway, which was licensed and funded by the State - was sending “girls” that had “two confinements ... to the Magdalen Home Laundry in Galway”. The annual returns made by the nuns who managed the Tuam home to the Department of Local Government and Public Health for this period contained a record for the “Whereabouts of the parents”. For certain children, the mother was noted to be “in the Magdalen Home”. This underscores the State’s regulation of the Mother and Baby Homes – and the State’s awareness that mothers were being sent from the Mother and Baby Homes directly to the Laundries. The annual returns also record that some of the children in the Home were placed for adoption, both domestically and overseas in the United States of America.
26. Moreover, it would appear from an interview with the Mother Superior of the convent operating the Magdalene Laundry in Galway in 1958 that seventy per cent of the women in that Laundry were “unmarried mothers”. The only other group she mentioned were girls “sent here when they leave the Industrial School because they need special care”. When asked whether a woman or girl could leave whenever she chose, the Mother Superior stated “No, we’re not as lenient as that. The girl must have a suitable place to go”. She was then asked how long they stayed. She replied “Some stay for life”. This is supported by the large numbers of women and girls who died in the Laundries and were buried in the Laundry plots in cemeteries across Ireland. JFM is aware of at least 988 women who are buried in those plots and therefore must have stayed for life.
27. JFM can also document that Mother and Baby Homes—Sean Ross Abbey, Castlepollard, Bessboro, St. Patrick’s Navan Road, Tuam and Ard Mhuire, Dunboyne—discharged women to “other homes” upon release. Each of these institutions submitted an Annual Statistical Return to the Department of Health requiring them to specify the “other homes” in question. Only two of the six ever specified which institutions women were transferred to. There is no evidence that

the Department of Health ever sought to challenge the religious congregations for the missing information.

28. The annual returns for Sean Ross Abbey, Roscrea, Co Tipperary, show that between 1951 and 1968 that institution consistently sent women to the Good Shepherd Congregation upon leaving the Mother and Baby Home. It is clear that at least 25 women ended up in Good Shepherd “homes” during this period. It is probable, indeed likely, that these “homes” refer to the Congregation’s Magdalene Laundries in Limerick, Cork, Waterford and New Ross.
29. JFM also has evidence which shows that in 1956 another Mother and Baby Home (St Patrick’s, Navan Road, Dublin) sent an unmarried mother to the Magdalene Laundry in Dun Laoghaire and two further unmarried mothers in 1962 to Sean McDermott Street and High Park Magdalene Laundries respectively.
30. JFM holds testimony from one survivor who was transferred from the Good Shepherd Order’s state funded Mother and Baby Home at Ard Mhuire, Dunboyne, Co Meath to the Good Shepherd Magdalene Laundry in Waterford in 1965.

**(d) *Other reasons for women and girls entering the Laundries***

31. There are a variety of other reasons why women and girls entered the Laundries. “According to the Reformatory and Industrial Schools Systems Report 1970 (the Kennedy Report), “*A number of [girls] considered by parents, relatives, social workers, Welfare Officers, Clergy or Gardai [Irish Police] to be in moral danger or uncontrollable are ... accepted in these convents for a period on a voluntary basis ...*” It was immediately after this passage that the Kennedy Report commented<sup>2</sup> that “*This method of voluntary arrangement for placement can be criticized on a number of grounds. It is a haphazard system, its legal validity is doubtful and the girls admitted in this irregular way and not being aware of their rights, may remain for long periods and become, in the process, unfit for re-emergence into society. In the past, many girls have been taken into these convents and remained there all of their lives.*”

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<sup>2</sup> As already mentioned in paragraph 16 above

32. Of the agents referred to above who were taking women and girls to the Laundries, social workers, welfare officers and police were all acting on behalf of the State – their actions remain the State’s responsibility. The same is true of hospital staff and local authority employees, who also appear to have directed women to the Laundries. JFM has discovered correspondence in the National Archives from Department of Health officials directing the use of Magdalene Laundries to confine/contain “problem women”. One exchange is between the Secretary of a hospital in Dublin in 1946 and the Department of Local Government and Public Health regarding the difficulty of finding foster parents for babies. The Department suggested that “*Where an unmarried mother is willing to go into an institution such as the Good Shepherd Home for penitents, the baby should be discharged to the public assistance authority concerned*”.
33. The second exchange is between the Secretary of Carlow County Council and the Department in 1956 seeking advice regarding a married woman who had had children with men other than her husband. The Department suggested that the younger child could be sent to an Industrial School and that the mother might be “induced” to go to the Magdalene Laundry at the same Good Shepherd convent in Limerick.
34. JFM also has evidence from a survivor who was in the foster care system operated by the public assistance authorities and it was the County Manager who signed her committal to the Laundry at 14 years of age.
35. There is also evidence of girls being brought into the Magdalene Laundries at the behest of the parish priest, who was chair of the board of management of the (state-funded) National School which the girl attended.
36. JFM also has evidence from newspaper archives of two transfers from Co. Mayo hospitals to the Sisters of Mercy Laundry in Galway.
37. It is true that some women and girls were committed to the Laundries by non-State actors, including their families. This happened for an array of reasons – they feared scandal related to unmarried motherhood and illegitimacy, sexual abuse, incest, domestic abuse, disability and mental illness. One survivor says she was kidnapped

by the Legion of Mary and delivered to the Sisters of Charity Laundry in Donnybrook. The Gardaí (police) returned this survivor when she attempted to escape. Some women were also committed as a way of dealing with land and inheritance disputes. JFM would argue that, whatever the reasons why women and girls were sent to the Magdalene Laundries, the State had duties to all of the women and girls in the Laundries (a) to prevent them from being held against their will, (b) not to exploit or benefit from their forced labour or servitude and (c) to care for these women and girls in terms of their rights to a safe workplace, to social welfare and (in terms of school-age girls) an education.

***(e) Evidence of police returning women and girls to the Laundries***

38. JFM have managed to obtain a significant amount of evidence that, when women and girls escaped from the Magdalene Laundries, the nuns rang the Garda Síochána (Irish Police). If the Gardaí managed to find the escapees, there was a consistent practice of returning them to the Magdalene Laundries where they suffered punishments ranging from solitary confinement, deprivation of meals and the shaming and humiliating practice of hair cutting. This practice was not a “one off” or “local” arrangement, but happened at Magdalene Laundries in different parts of Ireland and across a number of decades.
39. A critical point to note is that the Garda returned women and girls to the Magdalene Laundries regardless of the original reason why the women and girls had entered the Magdalene Laundries in the first place (i.e., whether or not they had been sent to the Magdalene Laundries instead of receiving a prison sentence). Any suggestion that women and girls, other than those sent to the Magdalene Laundries by the Irish judicial system, were there on a “voluntary” basis is completely undermined by the fact that the Irish police consistently returned escapees who had entered the Magdalene Laundries through other routes (e.g., the Industrial Schools, Mother and Baby Homes, family members, etc).
40. For example, one survivor who entered High Park Magdalene Laundry, Drumcondra, Dublin in 1947 from an Industrial School has explained that she ran

out of the gate one day, but “before I knew it the police were picking me up and bringing me back”. She went on:

*“Well, I went out the gate and I was just about to run down Griffith Avenue when the next thing I saw ... the police were behind me ... and they brought me [back], they said because I was in the [Laundry] uniform ... They said “are you Attracta?” and I said ... “yes” ... And they said “where do you think you’re going?”. And I said, “out” ... “To look for somewhere better to live” ... And they said “no, you’re coming back with us, because High Park has rung us and told us that you’d run out”. And before I’d got anywhere they were there on the spot, and brought me back in ... I told the police – I said to the police, because the Garda did say to me when I came out, “why did you run away?”. I said, “because they’re cutting my hair and putting me in a hole all the time ... And I said to him, I said “and I don’t like what they’re doing to me”.*

41. There are many further examples. What they show is that the Gardai were sending or returning women and girls to the Magdalene Laundries as part of a consistent policy, which can only have been one adopted centrally by the State, and was in no way a "local" practice adopted by individual Gardai acting contrary to their orders for which the State can absolve itself of responsibility.
42. Although the evidence JFM has already obtained does show that Gardai did return women and girls to the Magdalene Laundries in line with the State's then policies, (a) the evidence JFM has seen so far shows that the women and girls were well-treated by individual Gardai whilst in their custody and (b) at least some Gardai allowed escaped women and girls time “to make it onto the ferry to England”.
43. JFM would like to clarify that it is not seeking to hold individual Gardai responsible for what might have happened in the past and nor is it asking for an apology from the Garda Síochána as a separate service. It was the State which adopted policies to use the Magdalene Laundries to deal with certain social issues and it was the Religious Orders which operated and profited from the Magdalene Laundries. Therefore, JFM submits that it is the State and the Religious Orders

which were responsible for the treatment of women and girls in the Magdalene Laundries and any apology and redress should come from them.

44. JFM has recently written to the Garda Historical Association, the Garda Síochána Retired Members Association, the Association of Garda Sergeants and Inspectors, and to the Garda Commissioner requesting assistance in documenting the historic practice of returning women to the Magdalene Laundries. To date, JFM's letters have gone unacknowledged.

#### **State involvement in the commercial operation of the Magdalene Laundries and in financing them**

45. JFM holds evidence that the State supported the Magdalene Laundries financially, both directly and indirectly. Although the direct support was specific to certain of the groups of women and girls incarcerated in the Magdalene Laundries, the indirect financial support related to all of the women and girls held there. This is a further reason why the State should accept responsibility and apologise to and provide redress to all of the survivors and not just some of them.

##### ***(a) Direct State financial support - payment of capitation grants***

46. The State made direct payments to the Religious Orders in respect of women held on probation in the Magdalene Laundries. The then Minister for Justice, Mr Dermot Ahern TD, stated in response to a Parliamentary Question on 19<sup>th</sup> January 2010 that capitation (per head) payments were made, but that they "*were limited to the duration of the relevant probation orders*".
47. After 1960, the State also made capitation payments in respect of young women and girls held on remand at the Sean McDermott Street Magdalene Laundry.
48. JFM also holds a copy of a letter dated 31<sup>st</sup> July 1972 which indicates that the former "Boards of Health" paid capitation grants in respect of "problem girls" sent to the "An Grianan" institution at High Park convent, Drumcondra. An Grianan was a "Training Centre" for problem girls set up circa 1969 at the High Park

Magdalene Laundry. It was housed in the same building as the Laundry and the “problem girls” slept in the Magdalene dormitory. The order concerned (the Sisters of Our Lady of Charity) received distinct and separate capitation grants for girls sent for punitive reasons by the Department of Justice and for “problem girls” sent for presumably protective reasons by the now defunct Boards of Health.

**(b) *Indirect State financial support***

49. The State provided ongoing financial support to the Religious Congregations by providing the Magdalene Laundries with lucrative contracts for the cleaning of laundry.
50. A Parliamentary Debate in May 1941 suggests that the Department of Defence held laundry contracts with the Magdalene Laundries. The Minister for Defence, Mr Traynor, stated, *“For the current year ... contracts for Dublin district barracks and posts, including Baldonnell Aerodrome, and for Collins Barracks, Cork, which were previously held by commercial firms, have been placed with institutional laundries”*. The Minister then stated that he was reconsidering whether those contracts should contain a “fair wages clause” – presumably because the women and girls incarcerated in the Magdalene Laundries did not receive wages. JFM has obtained testimony that the Laundries did in fact process uniforms sent by the Irish Defence Forces. There is also evidence that no fair wages clauses were incorporated by the State into contracts with the Laundries. As late as 1982, there was a meeting in which the State discussed the issue of fair wages clauses in laundry contracts with the religious congregations.
51. Despite the fact that the women and girls did not receive wages, it would appear that the Department of Defence was prepared to pay the Religious Orders generously for their work. JFM is also in receipt of information from a former Army Quartermaster who handled the advertising of laundry contracts for one barracks in the West of Ireland and his testimony is that every year despite lower tenders being received the Army contract was awarded to the Sisters of Mercy Magdalene Laundry in Galway.



52. JFM has also seen pages from a ledger from High Park Magdalene Laundry in Drumcondra, Dublin. Regular customers included Departments of Justice, Agriculture and Fisheries and the State transport company, CIE. This contains an entry relating to laundry from the residence of the President of Ireland, Aras an Uachtarain. Survivors and other non-survivor witnesses certainly recall the Magdalene Laundries handling not only Army laundry, but also laundry from the hospitals, mental hospitals and prisons.
53. The Magdalene Laundries were also supported indirectly by the State in two further ways. A number of convents which operated Magdalene Laundries had other State supported institutions on site – five out of the ten had Industrial Schools on site and one of those also had a Reformatory School. Where an unmarried mother was sent to one of those Magdalene Laundries, her child was often sent to the Industrial School on the same site and the Religious Orders would receive a capitation grant paid by the State in respect of that child. The other five Magdalene Laundries were operated by Religious Orders which operated Industrial or Reformatory Schools at other sites.
54. Secondly, the State awarded the Religious Orders which operated the Magdalene Laundries charitable status, which carried with it not only favourable tax benefits (normally, immunity from taxation) but also implied to potential donors that the Laundries were carrying out worthwhile public functions which were worthy of support through donations and legacies. There is evidence that the Charity Commissioners were assiduous in checking that donations and legacies reached the institutions intended by the donors and that any commercial dealings by the Laundries in terms of selling land and equipment provided full market value for the nuns. There is no evidence that the Charity Commissioners ever checked to see that the Laundries did in fact fulfil their charitable aims in terms of helping women and girls. There seems to have been a presumption that the religious nature of the institutions negated the need for oversight or supervision.

## **The State's failure to supervise**

55. The State completely failed to supervise the Religious Orders in their operation of the Magdalene Laundries. No one sought to understand how these institutions actually operated. The fact that the Religious Orders were in control was enough to excuse official inquiry, inspection or regulation.

### **(a) Incarceration**

56. The Irish State had a duty both under its own Constitution and under International Human Rights Conventions to protect the liberty of its citizens.

57. Article 40.3.1 of the Irish Constitution protects the personal rights of the citizen and Article 40.3.2. provides that “The State shall ... by its laws protect as best it may from unjust attack and, in the case of injustice done, vindicate the life, person, good name and property rights of every citizen”.

58. Similarly, Article 3 ECHR protects citizens of signatory states from torture and cruel inhuman or degrading treatment, Article 4 ECHR protects them from being held in slavery or servitude and Article 5 ECHR protects the right to liberty and security of person. In particular, since ratifying the ECHR on 25<sup>th</sup> February 1953, Ireland has been committed not to permit detention except after conviction by a competent court or by other lawful authority.

59. All of the women and girls held in the Magdalene Laundries had no choice whether to stay (see paragraphs 38 to 41 above). This was certainly the case from the 1930s until the late 1960s. As one survivor of High Park Magdalene Laundry, Drumcondra, recalls, “*every window in the building, every window had bars on it*” and “*All the doors, every door was locked*”. Another survivor of Donnybrook Magdalene Laundry says “*At nine o'clock every night you were locked into that cell – winter, summer*”.

60. However, there was no statutory basis at all in the whole period between Irish independence in 1922 and 1960 for incarcerating any of the women and girls held in Magdalene Laundries. None of them were detained lawfully. After that date, the

Criminal Justice Act 1960 allowed one Magdalene Laundry at Sean McDermott Street in Dublin to be used as a remand institution for women and girls. However, this only affected a small percentage of women and girls sent to Magdalene Laundries after 1960 - all other women and girls incarcerated in Magdalene Laundries after 1960 were detained unlawfully.

61. The State was aware of this but did nothing about it. The Cussen Report (Commission of Inquiry into the Reformatory and Industrial School System, 1934-1936) referred to the “unsatisfactory method of disposing” of young female offenders aged 16 to 21. It referred to the practice of giving young women the choice between Prison and being sent to a Magdalene Laundry, before commenting that *“In our view this procedure is undesirable for obvious reasons, chief among them being the absence of specific power enabling the Judges and Justices to commit to these Homes”*. The Cussen Report recommended that *“Statutory powers should be given to both Judges and Justices to commit this class of offender for a definite period, subject to a maximum of three years, to Institutions certified for the reception of particular cases”*. In fact, no such power was ever enacted. Women continued to be sent to Magdalene Laundries as an alternative to Prison without any statutory authority – and the State failed to check whether they had been allowed to leave at the end of their period of punishment. The result was that many stayed for long periods – some for life (see paragraphs 7, 15, 16, 26 above and 94 below).
62. The State even failed to properly supervise the treatment of the small group of young women and girls who were sent to Sean McDermott Street Magdalene Laundry on remand pursuant to the 1960 Act. The Sean McDermott Street Laundry was never licensed or inspected – and yet the State was prepared to place women who were still to be regarded as innocent, prior to any trial, beyond direct State protection.
63. Furthermore, there was no valid reason whatsoever for the Religious Orders being permitted to incarcerate women and girls who were sent to the Magdalene Laundries for non-judicial reasons (e.g., children leaving the Industrial Schools, unmarried mothers). One survivor, who was 15 years old when taken from her job to the Laundry for her “own safety”, simply says that the nuns *“were looking for cheap labour of course”*. Yet, it would appear that the State used its police force,

the Garda Siochana, to return women and girls who managed to escape from the Magdalene Laundries whatever the reason why they were first sent there.

**(b) *Failure to insist that the Magdalene Laundries comply with health and safety legislation***

64. The Magdalene Laundries operated on a commercial basis, laundering linen and clothing for the State and for private firms and individuals in return for financial/monetary reward. The only non-commercial feature was that their workforce was unpaid. As one survivor put it, *“We worked long hours every day ... scrubbing, bleaching and ironing for the whole of Cork – hotels, hospitals, schools, colleges – for which the nuns charged, of course, though we never saw a penny. It was an industry and they were earning a fortune from our labour”*.
65. Work in the Magdalene Laundries was hard. It involved lifting heavy weights in very hot temperatures and the use of toxic chemicals. One survivor states *“We worked in great heat associated with the laundry machine and mangles”*. Another recalls, *“You could stand in half a foot of water sometimes down in the laundry all day”*. And yet another says, *“The laundry work was hard too. I often got bleach in my eyes. It was a sore dose. It would be sore for days. And the soap would burn your hands”*.
66. One external witness says, *“by Jesus they worked hard. They broke a lot of sweat in that laundry. The laundry was very hot. It was just basically a sweathouse just to provide Joe Public out there with nice clean sheets”*. Another external witness states that *“the girls could get burns from pouring in soap, splashing into their eyes or pouring in bleach, raw bleach, which they would dilute by 50% ... And sometimes these carboys (10 gallon containers) would break and the bleach would go everywhere and it was a nightmare. And the fumes of the bleach alone were dreadful”*. The clothes for one machine weighed 200 lbs (90 kgs) and were *“cold, wet and very, very heavy”*. Lifting the clothes out of the machines was *“back breaking”*.

67. The machinery was potentially dangerous. A witness states that the machinery at the Limerick Magdalene Laundry *“had very few safety systems ... they were very primitive ... They had no programmers, no automatic valves and no safety system”*.
68. The Magdalene Laundries were not exempt from the State’s health and safety legislation. For example, under section 84 of the Factories Act 1955, *“any premises forming part of an institution carried on for charitable or reformatory purposes”* was subject to the provisions of the Act if the premises were used for the washing or cleaning of articles not intended for the use of the institution. In the Parliamentary Debate on this provision, the Minister for Industry and Commerce (Mr William Norton TD) unambiguously stated that *“Once you wash clothes in the institution, not for the institution, then that is a factory. In other words, you have a right to wash clothes for the institution, but if you start to wash other people’s clothes, it is a factory, for the purpose of Section 84”*.
69. However, the State failed to insist that the Magdalene Laundries comply with legislative measures ensuring workers’ rights (e.g., a working wage, hours of work per day and per week, vacation time, etc.). The women and girls incarcerated in the Laundries received no wage, they were required to work in the Laundries for 6 days a week, usually for very long hours and with few if any breaks. On Sundays, they were “allowed” to sew and embroider, clean the convent and work in the fields “for fun”, but only under strict supervision. There were no holidays and little (if any) opportunity for outdoor recreation. One external witness recalls that the commercial pressure to ensure that the work was completed was such that *“those poor women had to work every bank holiday in the Laundry as normal, Good Friday as normal, to give the hospitals and the hotels their laundry back”*.
70. Survivors also state that they did not receive the basic components of a balanced diet, with very little protein or fruit and vegetables. They generally had porridge or bread for breakfast and potatoes, sausage and cabbage for the other meals. One survivor recalls that *“The medical outcome of such a diet”* was that *“I was extremely thin and sickly ... The convent cared for us with absolutely the minimal standards.”* Another survivor recalls, *“We got one egg a year”* on Easter Sunday morning.

71. Nor did the State require the Magdalene Laundries to comply with the requirement that all commercial operations covered by the 1955 Act keep registers of their workers, listing all women and young people with their ages and specific occupations and sending those details regularly to the relevant Department.
72. Nor did the State require the Magdalene Laundries to comply with the requirement that all young persons under 18<sup>3</sup> had to be examined by a doctor with a view to the issue of certificates of fitness for employment in factories.
73. Nor did it supervise the Magdalene Laundries to ensure that they provide safe working conditions.
74. The State never enforced its statutory obligation in this regard. The then Minister for Education and Science, Mr Batt O’Keefe TD, stated in a letter dated 4<sup>th</sup> September 2009 that the Magdalene Laundries “*were not subject to State regulation or supervision*”.
75. The State has since explained the lack of inspection in a response to a Parliamentary Question by the Minister for Jobs, Enterprise and Innovation (Mr Richard Bruton TD) on 23<sup>rd</sup> June 2011, in which he stated that “*The mere fact that the State has a right to inspect particular premises does not mean that it has an obligation to do so – there neither was nor is any obligation on the State to inspect every workplace*”.
76. JFM has discovered very detailed annual reports which were discussed at Cabinet level, even prior to the enactment of the 1955 Act. These reveal that a very high percentage of factories were inspected in each year for compliance with the State’s health and safety legislation (in 1938, 97.8% of factories were inspected at least once and between 1945 and 1950, the percentage of factories which were inspected ranged between 41.4% and 69.5%), accidents were investigated, young workers were checked for fitness and prosecutions were brought in cases of non-compliance. The National Archives show that commercial operators of laundries were inspected, were required to keep a register of workers, were required to ensure

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<sup>3</sup> Prior to 1955, the requirement applied to all young persons under 16

that young workers under 16 (and later, 18) had certificates of fitness and were prosecuted for breaches of the Factories Act.

77. Yet, none of Ireland's ten Magdalene Laundries appear ever to have been inspected between 1922 and 1996. There are no records to that effect – and the survivors cannot recall any inspections. When asked about inspections, one said “*No, no, no, no, no never. Nobody ever came into that place to inspect you. Nobody*”. When another was asked whether any government officials or employees ever visited the laundry – Gardai, factory inspectors or doctors, she said, “*No, I never remember anything, no*”.
78. The only explanation is that the State unofficially treated the Magdalene Laundries as being exempt, regardless of the true position in law under its own legislation. The available evidence supports this conclusion - one of the Laundries was managed by an external manager from the 1970s, who states that the Laundries “*were also subject to government inspectors and the big question I have is why didn't the government take more interest in these places. Why didn't these inspectors take more of an interest? They just didn't want to know because the nuns were fulfilling a huge social need. These people were in need of help. The government should have given them that help. The nuns were there. They ... filled the void and the government were quite happy, thank you very much, and didn't want to know about it*”.
79. The results of the State failing to ensure that the Magdalene Laundries complied with the State's own health and safety legislation were entirely predictable. The manager mentioned above recalls that “*In the old days you had a lot of slippages because of wet floors, clothes on the ground etc ... Nowadays you have health and safety inspectors. You didn't have them in those days*”. He also recalled that “*there were some bad accidents. I was told one woman lost an arm*” in an accident with the 3 metre long roller ironing machine – “*she put her hand in beside the hot roller to pull [an item of laundry] out before it could be properly ironed. The machine severed her arm below her elbow ... It was a horrific accident*”. He went on to say that “*Another woman lost fingers on a hydro (spinner) ... one day one of the women was trying to stop the hydro because one of the brakes wasn't working and the safety lid wasn't working. It had a brake but the brake used to burn out very*

*quickly and she ... caught her hand and whipped a few of the fingers clean off. Now there should have been a safety interlock on that hydro to prevent that door from being opened until it was at a complete standstill”.*

**(c) *Failure to ensure children were educated***

80. The State had a constitutional duty to educate the children in the Magdalene Laundries and to care for them in cases of parental failure. Article 42.2 of the Irish Constitution provides that *“The State shall ... as guardian of the common good, require in view of actual conditions that the children receive a certain minimum education, moral, intellectual and social ... The State shall provide for free primary education ... In exceptional cases, where the parents for physical or moral reasons fail in their duty towards their children, the State as guardian of the common good, by appropriate means shall endeavour to supply the place of the parents, but always with due regard for the natural and imprescriptible rights of the child.”*
81. It is clear from survivor testimony that girls of school-going age in the Magdalene Laundries were not provided with any education. One survivor of the New Ross Magdalene Laundry (who entered age 14 in 1949 and left aged 18 in 1953) states, *“The most important fact to know about the convent is that there was no formal education given to me or the other residents”*. Other than being allowed to read religious books for 2 hours on a Sunday and being given some sewing instruction, she recalls that *“for the most part, our intellectual development was ignored”*. Another who was sent to High Park, Drumcondra at age 17 states in regard to education that *“There was no such thing as education. No reading, writing, anything”*. This lack of education has affected the rest of the lives of survivors who were eventually able to leave the Laundries.

**(d) *Failure to collect social welfare payments and taxes***

82. Under the Irish social security system, certain benefits (such as old age pensions) require contributions by the relevant workers. As the Minister for Social and Family Affairs (Ms Mary Hanafin TD) explained in an answer to a Parliamentary Question on 4<sup>th</sup> February 2010, *“Since 1953, the Social Welfare Acts have defined*



*the various types of employment which are insurable under the social insurance system while also providing for the management and operation of that system ... Clearly, the integrity of the system is dependent on timely and accurate returns being made to the Social Insurance fund by employers, employees and the self-employed – again as laid down in social welfare legislation. A statutory basis therefore exists for, inter alia, the remittance and recording of contributions, inspection of employer records and where necessary, ensuring compliance in matters relating to social insurance contributions”.*

83. However, the Minister also confirmed that *“there do not appear to be returns available in relation to any organisation or organisations which may be collectively described as Magdalene Laundries”.*
84. Accordingly, it would appear that the State failed to insist that the Religious Orders who operated the Magdalene Laundries as commercial enterprises comply with the Social Welfare Acts.
85. The consequence of this failure is that survivors who apply for a statutory old age pension cannot have her years of work in the Magdalene Laundries taken into consideration. Survivors in contact with JFM have repeatedly written to government representatives in an effort to resolve their pension difficulties.
86. There is also no evidence that the State ever insisted that the Religious Orders comply with the duty of employers to deduct income tax in respect of women and girls working in the Magdalene Laundries. The fact is that the women were unpaid and they were held in conditions of servitude whereby they could not leave the Laundries. The State can hardly now complain of the expense of providing redress to survivors when it failed to ensure that the women received fair wages for their work and failed to ensure that the Religious Orders complied with their duty as “employers” to account for income tax to the Irish Revenue Commissioners.

**(e) *Failure to require death certificates***

87. Finally, JFM would like to take the Committee back to the start of the current campaign for recognition by survivors.

88. In 1993, having decided to sell some of their land at the former Magdalene Laundry site at High Park, Drumcondra, the Sisters of Our Lady of Charity of Refuge applied to the Department of the Environment for the exhumation of 133 women at High Park Convent, Drumcondra. The exhumation order was granted by the Department of the Environment on 25<sup>th</sup> May 1993.
89. The condition of the Magdalene graveyard at High Park is best explained by a survivor of that Magdalene Laundry. She recalls that women and girls were buried “*at the end of the green*” that the women and girls used to walk around. “*The nun that was in charge, Mother de Chantal, she used to have her beehives in there, just by the graves*”. The survivor recalls that “*they weren’t even marked, the graveyards ... There were no markings – there was nothing in the graveyards*”. The women were buried “*in some sort of cloth or something*” with “*no priest, no ceremony ... they were just buried there.*”
90. When the undertakers were carrying out the task of exhuming the bodies on 23<sup>rd</sup> August 1993, an additional 22 remains were discovered. The Department of the Environment then supplied an additional exhumation order to allow the removal of all remains, without questioning the identity of the 22 women.
91. The Sisters of Our Lady of Charity of Refuge told the Department of the Environment that they could not produce death certificates for 24 women on the exhumation order who appear under fictitious names. The Sisters of Our Lady of Charity of Refuge also told the Department of the Environment that they could not produce death certificates for a further 34 women on the exhumation order, despite the requirement in Ireland (which has existed for over 100 years) that all deaths be reported and that a death certificate be obtained.
92. The remains of 154 out of 155 of the women were then cremated and reinterred at Glasnevin Cemetery.
93. A comparison between the names listed on the Glasnevin grave and the exhumation order reveals the following:

- a. There are a total of 133 names on the exhumation order, of which only 110 are the women's real names.
  - b. The exhumation order lists a further 23 women under fictional names.
  - c. The exhumation order does not list the extra 22 bodies found in the graveyard.
  - d. Only 54 of the names listed on the grave match those on the exhumation order
94. JFM research in comparing data from the 1901 and 1911 censuses with the Magdalene graves (where names are available) reveals that many women spent long periods and often died behind convent walls. JFM was unable to locate death certificates for many of these women. However, to give one example of the lengths of time spent in the Laundries, a woman in the Good Shepherd Limerick grave at Mount St. Oliver Cemetery is recorded in the 1911 census as being incarcerated in the Limerick Magdalene Laundry at 18 years. She died in 1985 at 92 years, having spent 74 years in the Laundry. Another woman spent about 60 years in the Limerick Magdalene Laundry from age 14 until her death in 1989 when in her mid-70s. As a relative has stated:

*“She was literally there from when she was a teenage girl to when she died, a long, long time, certainly longer than any prison sentence any criminal has ever got in this country, certainly, which is scary. And a more non-criminal, non-aggressive lady could you meet. A real lady in an old style, a real sweet lady”.*